

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTIES FOR VIOLATION OF THE MOTOR
5 VEHICLE PROOF OF FINANCIAL RESPONSIBILITY LAW; PROVIDING THAT THE PENALTIES APPLY WHEN
6 THE CITATION IS ISSUED; AND AMENDING SECTION 61-6-304, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 **Section 1.** Section 61-6-304, MCA, is amended to read:

11 **"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable
12 by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than
13 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county
14 jail for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500
15 or by imprisonment in the county jail for not more than 6 months, or both.

16 (2) Upon the issuance of a second first or subsequent conviction citation under 61-6-301 or
17 61-6-302, the ~~sentencing court shall order the surrender of~~ officer that issues the citation shall
18 immediately upon issuance of the citation take possession of the vehicle registration receipt and license
19 plates for the vehicle operated at the time of the offense if the officer believes that the vehicle was
20 operated by the registered owner or a member of the registered owner's immediate family or by a person
21 whose operation of ~~that the~~ the vehicle was authorized by the registered owner. The ~~court officer~~ shall send
22 the receipt and plates, along with a copy of the ~~complaint and dispositional order~~ citation, to the
23 department, which shall immediately suspend the receipt and plates for a period of 90 days from the date
24 of a ~~second conviction first citation~~ first citation or 180 days from the date of a ~~third second~~ second or subsequent ~~conviction~~
25 citation. The receipt and plates may not be reinstated until the expiration of that period and until proof of
26 compliance with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner,
27 the new owner is entitled to register the vehicle.

28 (3) Upon the issuance of a fourth first and or subsequent conviction citation under 61-6-301 or
29 61-6-302, the ~~court shall order the surrender~~ officer that issues the citation shall immediately upon
30 issuance of the citation take possession of the driver's license of the offender; if the officer believes that

1 the vehicle operated at the time of the offense was registered to the offender or a member of the
2 offender's immediate family. The ~~court~~ officer shall send the driver's license, along with a copy of the
3 ~~complaint and the dispositional order~~ citation, to the department, which shall immediately suspend the
4 driver's license. The department may not reinstate ~~a~~ the driver's license ~~suspended under this subsection~~
5 until the registered owner provides the department with proof of compliance with 61-6-301, ~~and the~~
6 department determines that the ~~registered owner~~ driver is ~~otherwise~~ eligible for licensure, and the driver
7 has passed all examinations required for the issuance of a license.

8 (4) The court may suspend a required fine only upon a determination that the offender is or will
9 be unable to pay the fine.

10 (5) A court may not defer imposition of penalties provided by this section.

11 (6) An offender is considered to have been previously convicted for the purposes of sentencing
12 if less than 5 years have elapsed between the commission of the present offense and a previous
13 conviction."

14 - END -